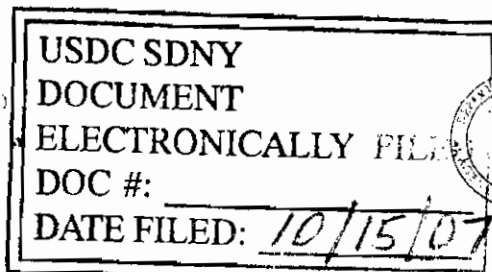
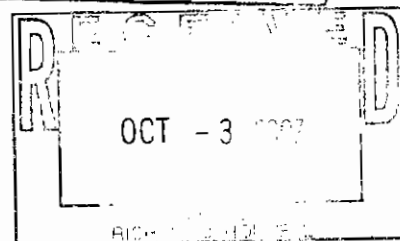


U.S. Department of Labor

Office of the Solicitor
Washington, D.C. 20210



Hon. Richard J. Holwell
United States District Judge
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007-1312
VIA FAX - 212-805-7948



October 3, 2007

re: Patricia Irby, et al. v. Blackwater Security Consulting, LLC and
Director, Office of Workers' Compensation Programs, United States
Department of Labor
Case No. 07-cv-05939(RJH)

Dear Judge Holwell:

I am writing on behalf of the Director, Office of Workers' Compensation Programs, with regard to the Initial Scheduling Conference Notice and Order issued in this case. The initial scheduling conference is set for October 12, 2007 at 10:30 a.m., and a proposed scheduling order is to be submitted to you by October 9, 2007. I wish to bring to your attention, however, that this case is in an appellate posture. Specifically, it is an appeal from a decision of the Benefits Review Board of the United States Department of Labor, and involves the claims of the Plaintiffs/Petitioners for benefits under the Defense Base Act, 42 U.S.C. § 1651 et seq.

Further, the Director, a Defendant/Respondent, has already filed a dispositive motion to dismiss, to which the Plaintiffs/Petitioners have responded. If the Court grants the Director's dispositive motion, the case will be dismissed. If it does not, the Court can set, or the parties can agree to, a schedule for the submission of briefs. Regardless, because it is an appellate matter, no discovery is necessary, no additional parties may be joined, and no trial will take place.

Consequently, it appears that neither a proposed scheduling order nor a scheduling conference is necessary at this point.

In light of the above, and for the sake of judicial economy, the Director requests that the requirement for a scheduling order be waived, and that the scheduling conference set for October 12, 2007, be canceled.

Application Granted
So ORDERED
by
[Signature]
USDT
10/11/07

Respectfully Submitted,

[Signature]

Susan B. Jacobs
Matthew W. Boyle
Attorneys for the Director,
Office of Workers' Compensation Programs,
United States Department of Labor

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